

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICK H. POST,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

NO. C15-5364 BHS-KLS

**REPORT AND
RECOMMENDATION**
Noted for: **JULY 31, 2015**

Petitioner Patrick H. Post filed a habeas corpus petition challenging his custody under a state court judgment and sentence. Dkt. 1. Respondent has not yet answered the petition. Mr. Post moves to stay these proceedings and hold the case in abeyance until the Washington courts have the opportunity to rule on a pending personal restraint petition. Dkt. 2. Respondent Patrick Glebe does not object to the motion. Dkt. 6.

DISCUSSION

The Court may stay a petition and hold the proceedings in abeyance where the stay would be a proper exercise of discretion. *Rhines v. Weber*, 544 U.S. 269, 276 (2005). A stay is appropriate where the petitioner is attempting to properly exhaust claims in state court. *Id.* Here, it appears Mr. Post is attempting to exhaust state remedies and that the Washington

1 courts should rule in the state court proceedings in the near future. Dkt. 2. In light of Mr.
2 Post's representations, Respondent does not object to the stay. Dkt. 6.

3
4 **CONCLUSION**

5 Accordingly, it is recommended that Petitioner's motion to stay (Dkt. 2) be
6 **GRANTED** and this matter **STAYED** pending resolution of the state court proceedings.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
8 fourteen (14) days from service of this Report and Recommendation to file written objections.
9 See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections
10 for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit
11 imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on **July 31,**
12 **2015**, as noted in the caption.

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14 **DATED** this 17th day of July, 2015.

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18 Karen L. Strombom
19 United States Magistrate Judge
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